

Update: Traffic Benchbook— Revised Edition, Volume 2

CHAPTER 7

Felony Offenses in the Michigan Vehicle Code

7.8 Leaving the Scene of an Accident Resulting in Serious or Aggravated Personal Injury or Death

E. Issues

Insert the following case summary on page 7-19 as the next-to-last paragraph in subsection E:

A defendant's Fifth Amendment right against self-incrimination is not implicated by requiring the defendant to comply with a statutory mandate to stop and disclose neutral information at the scene of a serious accident. *People v Goodin*, ___ Mich App ___, ___ (2003). Accordingly, the defendant's constitutional rights were not violated when he was charged with failure to stop at the scene of an accident *and* negligent homicide.

MCL 257.617 requires a driver who was involved in an accident resulting in serious injury to stop at the scene of the accident and fulfill the disclosure requirements of MCL 257.619. The defendant argued "that had he stopped and given the required information, he would have incriminated himself for negligent homicide by admitting he was at the scene and involved in the events leading up to the accident." *Goodin, supra* at ___.

The Court disagreed with the defendant and held that the disclosures required of drivers involved in serious accidents do not create a significant risk of self-incrimination. According to the *Goodin* Court:

"[T]he disclosures of one's name, address, vehicle registration number, and driver's license required by MCL 257.617 and MCL 257.619 are neutral and do not implicate a driver in criminal conduct. Moreover, MCL 257.617 is not directed at a 'highly selective group' or a group 'inherently suspect of criminal activities,' but rather is

aimed at any driver involved in an accident that results in serious personal injuries or death.” *Goodin, supra* at ____, citing *California v Byers*, 402 US 424 (1971).